

REMARKS

This Amendment is a full and timely response to the non-final Office Action dated October 19, 2005. Claims 3, 5 and 8-11 have been amended, claims 12-17 have been cancelled without prejudice or disclaimer of the underlying subject matter, and claims 18-23 have been added.

Claims 3, 5 and 8-11 have been variously amended to recite selectively outputting the splicing data for transmission to a buffer of a receiving terminal, wherein the insertion of the splicing data as the selective output is such that a locus of used bits of the buffer is continuous when switching between the playback and special playback. Claims 18-233 have also been added to recite that a splicing technique used in editing is used for insertion of the splicing data such that the locus of used bits in the buffer is continuous. These amendments add no new matter. One example of these features is described in connection with FIG. 3 of Applicant's specification. (See, e.g., FIG. 3 and ¶¶0064-0072 of U.S. publication 2002/0023269).

Claims 3-6 and 8-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,828,370 to Mueller ("Mueller") in view of U.S. Pat. No. 6,658,199 to Hallberg ("Hallberg").

Claim 3 recites [a] *data distribution apparatus comprising:*
receiving means for receiving a special playback request from an external source;
data storage means for storing playback data, and also storing special playback data and splicing data, both of which are used for playing back the playback data in a special mode;
data switching means for selectively outputting the playback data, the special playback data and the splicing data from said data storage means for transmission to a buffer of a receiving terminal, wherein the splicing data is inserted as the selective output for transmission to the buffer such that a locus of used bits of the buffer is continuous when switching between the playback data and the special playback data; and
transmission means for transmitting the selective output from said data switching means to the data receiving terminal via a transmission medium.

These claimed features are neither disclosed nor suggested by Mueller, which discloses a system and method for displaying a graphical icon on a display screen. During operation, a user manipulates a cursor within a slider bar using a remote control. The set top box receives and processes the signals and provides the information resulting from the user's action to a video

server that accesses and provides compressed video streams corresponding to user manipulation of the cursor.

At best, Moeller arguably discloses provision of normal and special playback data in response to manipulation of the cursor. Mueller does use an index table. However, this index table merely enables indexing to different positions in the stream used for playback.

There are various features recited in Applicant's claim 3 that are clearly absent from Mueller. First, there is no switching to selectively output the playback data, the special playback data and the splicing data as claimed. Since there is no such switching, there clearly is no insertion of the splicing data as the selective output for transmission to the buffer of the receiving terminal. Finally, there is clearly no insertion of the splicing data as the selective output to the buffer, with that insertion being such that a locus of used bits of the buffer is continuous when switching between the playback data and the special playback data. At best, the index of Mueller eases mode switching by pointing to positions in the signal stream for playback. The index is in no way inserted into a buffer in the fashion claimed by Applicant.

Hallberg does not remedy the deficiencies of Mueller. Hallberg discloses a technique for accommodating "temporally smooth, minimal memory" trick play. (Hallberg, Title). In that regard, if the required transmission time exceeds the maximum time permitted, the number of frames in the trick play GOP is reduced until the system is capable of transmitting the trick play GOP within the constraints imposed for processing MPEG video in the forward mode at standard speed. (Mueller, 6:58-7:25). Hallberg thus merely appears to teach reducing the number of frames in the trick play mode to ensure that processing can be accommodated according to the standard mode constraints. There is absolutely no disclosure nor is there any hint or suggestion regarding the insertion of splicing data into the buffer for playback so as to ensure that the locus of used bits in the buffer is continuous when switching between the playback data and the special playback data as claimed by Applicant.

Since Mueller and Hallberg fail to disclose features that are recited in Applicant's claimed invention, whether considered alone or in combination, Applicant submits that the Examiner has failed to produce a prima facie case of obviousness.

Also, even if the proposed combination would produce the claimed features, which is not the case, the proposed combination would be improper as there is no evident motivation to combine the references in the fashion offered by the Examiner. Namely, the ordinarily skilled artisan would not be motivated to modify the slider bar based control of Mueller with the trick

play frame rate reduction technique of Hallberg to somehow contrive the features of Applicant's claimed invention. Applicant submits that the Examiner has engaged in an improper attempt to reconstruct the claimed invention in hindsight, and has failed to set forth a proper basis for an obviousness rejection.

Independent claims 5 and 8-11 are also neither disclosed nor suggested by Mueller or Hallberg, for reasons similar to those provided regarding claim 1 above. Namely, the independent claims variously recite provision of selective insertion of the splicing data for output included in a buffer of a receiving terminal such that the locus of used bits of the buffer is continuous when switching between playback and special playback.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the noted independent claims as being unpatentable over Mueller in view of Hallberg, as well as the corresponding dependent claims that incorporate the described features and that respectively add their own distinct features.

For the foregoing reasons, reconsideration and allowance of the claims that remain in this application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

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Respectfully submitted,

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